· I, CHARLOTTE I. ASHMUN, declare:

- 1. I am an attorney at law, a member in good standing of the State Bar of California and am one of the attorneys representing Cross-Defendant Church of Scientology of California in this action.
- Cross-Complainant Gerald Armstrong has noticed a
 Motion to Compel Production of Documents and a Motion for
 Protective Order to be heard before Department 57 of this Court on April 15, 1985.
- 3. On April 11, 1985 at 1:40 p.m., Julia Dragojevic, attorneys for Cross-Complainant Gerald Armstrong returned the telephone message which I left for her at 12:20 p.m. on April 11, 1985.
- 4. I asked Ms. Dragojevic whether she would agree to continue her Motion to Compel and Motion for Protective Order set for Monday, April 15, 1985 until May 6, 1985. I explained that we were requesting the continuance on two grounds. First, that Donald C. Randolph, counsel for Cross-Defendant Church of Scientology of California had been ordered to appear before Judge Real in the United States District Court on the case of Miller v. Kevin Flynn, et al., CV81-4275 at 10:00 a.m. on Monday, April 15, 1985. Judge Real has refused to set the hearing for another time, even though he was informed that the above described motions were set on the same date at 9:00, and that it was expected that the Armstrong appearance could take longer than one hour. The second ground for the continuance was

1

7

9 10

8

12

13

11

14 15 16

17 18

19

20 21

22

23

24

25

26 27

28

the development of evidence in the case of Christofferson v. The Church of Scientology, in Portland, Oregon by the testimony of both Howard Schomer and Gerald Armstrong which is relevant to the Motion to Compel and the appropriate scope of the deposition of Gerald Armstrong herein. I explained that the transcripts of the testimony would be unavailable on Monday, April 15, 1985.

- 5. I told Ms. Dragojevic that we believe that a two-week continuation of the hearings would be sufficient, but, however, I am having surgery on April 18, 1985 and will not return to the office until early May, 1985. Therefore we are asking for a continuation until May 6, 1985 to allow for my recuperation and return to the office.
- 6. I further explained to Ms. Dragojevic that the matter had already been off calendar for a number of months and that her client was protected because of this court's order that his deposition cannot be taken until the matter of the Motion to Compel is resolved.
- 7. Ms. Dragojevic responded that she believed that the court could continue the Motion for Protective Order concerning the scope of the deposition without requiring a continuation of the Motion to Compel. I explained that we were hoping to avoid the necessity of two separate hearings.
- 8. Ms. Dragojevic further stated that she believed that the hearing could be completed in forty-five minutes, therefore not interfering with Mr. Randolph's appearance in Federal Court. She concluded by saying that the matter had been pending a long time and that her client was anxious as she is to resolve the ///

matter. Therefore, she stated that she had to object to the Ex Parte Application.

- .9. On April 11, 1985 at 4:30 p.m., I telephoned Ms. Dragojevic again and informed her that the Ex Parte Application would be heard in Department 57 at 9:00 a.m. on April 12, 1985.
- 10. On April 11, 1985 at 9:50 p.m. I read the attached Declaration of John G. Peterson over the telephone to Mr. Peterson, who is in Portland, Oregon. Mr. Peterson confirmed that this Declaration attached hereto is accurate. His executed Declaration will be filed under separate cover on Monday, April 15, 1985.

Executed this 11th day of April, 1985, in Los Angeles, California.

I declare under penalty of perjury that the above is true and correct.

CHARLOTTE I ASHMIN